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8 Attorneys for Defendant
Corrective Education Company, LLC

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 DEBRA BLACK,
13 Plaintiff,

14 v.

15 GOODWILL INDUSTRIES OF
ORANGE COUNTY,
16 CALIFORNIA, Inc.; CORRECTIVE
EDUCATION COMPANY, LLC;
17 NEAL C. TENEN and DOES 1 TO
100,
18

19 Defendants.
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Case No. SA CV 13-01446-AG-ANx
Judge: Hon. Andrew J. Guilford

DEFENDANT CORRECTIVE
EDUCATION COMPANY, LLC'S
ANSWER TO PLAINTIFF'S
COMPLAINT

DEMAND FOR JURY TRIAL

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ANSWER

Defendant Corrective Education Company, LLC (“CEC”) hereby answers Plaintiff Debra Black’s Complaint for Damages and Injunctive Relief (“Complaint”) as follows:

INTRODUCTORY ALLEGATIONS

1. In response to Paragraph 1 of the Complaint, CEC denies the first sentence. The remaining allegations contained in Paragraph 1 constitute legal conclusions to which no response is required.

2. In response to Paragraph 2 of the Complaint, CEC denies all allegations therein.

3. In response to Paragraph 3 of the Complaint, CEC is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and on that basis denies each and every allegation contained therein.

4. In response to Paragraph 4 of the Complaint, CEC denies all allegations therein.

5. In response to the first sentence of Paragraph 5 of the Complaint, CEC denies all allegations therein. The remaining allegations contained in Paragraph 5 constitute legal conclusions to which no response is required.

6. In response to Paragraph 6 of the Complaint, CEC denies all allegations therein.

7. In response to the first sentence of Paragraph 7 of the Complaint, CEC denies that there have been any violations of the Unfair Competition Law. The remainder of the allegations in Paragraph 7 constitute legal conclusions to which no response is required.

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PARTIES

8. In response to Paragraph 8 of the Complaint, CEC is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and on that basis denies each and every allegation contained therein.

9. In response to the first sentence of Paragraph 9 of the Complaint, CEC is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and on that basis denies each and every allegation contained therein. In response to the second sentence of Paragraph 9 of the Complaint, CEC admits it is a Utah limited liability corporation that is not currently licensed to do business in California, but denies the remainder of the allegations therein. In response to the third sentence of Paragraph 9 of the Complaint, CEC denies all allegations therein. As to the remainder of the allegations in Paragraph 9 of the Complaint, CEC is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and on that basis denies each and every allegation contained therein.

FAIR DEBT COLLECTIONS PRACTICES ACT, 15 U.S.C. § 1692

10. In response to Paragraph 10 of the Complaint, CEC is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and on that basis denies each and every allegation contained therein.

11. In response to Paragraph 11 of the Complaint, CEC is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and on that basis denies each and every allegation contained therein.

12. In response to Paragraph 12 of the Complaint, CEC answers that the allegations constitute legal conclusions to which no response is required.

1 13. In response to Paragraph 13 of the Complaint, CEC answers that the
2 allegations constitute legal conclusions to which no response is required.

3
4 **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT,**
5 **CIV. CODE § 1788 ET SEQ.**

6 14. In response to Paragraph 14 of the Complaint, CEC is without
7 sufficient knowledge or information to form a belief as to the truth of the
8 allegations contained therein, and on that basis denies each and every allegation
9 contained therein.

10 15. In response to Paragraph 15 of the Complaint, CEC answers that the
11 allegations constitute legal conclusions to which no response is required.

12 16. In response to Paragraph 16 of the Complaint, CEC answers that the
13 allegations constitute legal conclusions to which no response is required.

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15 **ALLEGED FACTS**

16 17. In response to Paragraph 17 of the Complaint, CEC is without
17 sufficient knowledge or information to form a belief as to the truth of the
18 allegations contained therein, and on that basis denies each and every allegation
19 contained therein.

20 18. In response to Paragraph 18 of the Complaint, CEC is without
21 sufficient knowledge or information to form a belief as to the truth of the
22 allegations contained therein, and on that basis denies each and every allegation
23 contained therein.

24 19. In response to Paragraph 19 of the Complaint, CEC is without
25 sufficient knowledge or information to form a belief as to the truth of the
26 allegations contained therein, and on that basis denies each and every allegation
27 contained therein.

1 20. In response to Paragraph 20 of the Complaint, CEC is without
2 sufficient knowledge or information to form a belief as to the truth of the
3 allegations contained therein, and on that basis denies each and every allegation
4 contained therein.

5 21. In response to Paragraph 21 of the Complaint, CEC is without
6 sufficient knowledge or information to form a belief as to the truth of the
7 allegations contained therein, and on that basis denies each and every allegation
8 contained therein.

9 22. In response to Paragraph 22 of the Complaint, CEC is without
10 sufficient knowledge or information to form a belief as to the truth of the
11 allegations contained therein, and on that basis denies each and every allegation
12 contained therein.

13 23. In response to Paragraph 23 of the Complaint, CEC is without
14 sufficient knowledge or information to form a belief as to the truth of the
15 allegations contained therein, and on that basis denies each and every allegation
16 contained therein.

17 24. In response to Paragraph 24 of the Complaint, CEC is without
18 sufficient knowledge or information to form a belief as to the truth of the
19 allegations contained therein, and on that basis denies each and every allegation
20 contained therein.

21 25. In response to Paragraph 25 of the Complaint, CEC is without
22 sufficient knowledge or information to form a belief as to the truth of the
23 allegations contained therein, and on that basis denies each and every allegation
24 contained therein.

25 26. In response to Paragraph 26 of the Complaint, CEC is without
26 sufficient knowledge or information to form a belief as to the truth of the
27 allegations contained therein, and on that basis denies each and every allegation
28 contained therein.

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1 27. In response to Paragraph 27 of the Complaint, CEC denies all
2 allegations therein.

3 28. In response to Paragraph 28 of the Complaint, CEC is without
4 sufficient knowledge or information to form a belief as to the truth of the
5 allegations contained therein in that CEC does not know to what letters Plaintiff
6 refers, and on that basis denies each and every allegation contained therein.

7 29. In response to Paragraph 29 of the Complaint, CEC is without
8 sufficient knowledge or information to form a belief as to the truth of the
9 allegations contained therein in that CEC does not know to what letters Plaintiff
10 refers, and on that basis denies each and every allegation contained therein.

11 30. In response to Paragraph 30 of the Complaint, CEC denies all
12 allegations therein.

13 31. In response to Paragraph 31 of the Complaint, CEC is without
14 sufficient knowledge or information to form a belief as to the truth of the
15 allegations contained therein, and on that basis denies each and every allegation
16 contained therein.

17 32. In response to Paragraph 32 of the Complaint, CEC is without
18 sufficient knowledge or information to form a belief as to the truth of the
19 allegations contained therein, and on that basis denies each and every allegation
20 contained therein.

21 33. In response to Paragraph 33 of the Complaint, CEC denies all
22 allegations therein.

23
24 **CLASS ALLEGATIONS**

25 34. In response to Paragraph 34 of the Complaint, CEC answers that there
26 are no allegations to either admit or deny.

27 35. In response to Paragraph 35 of the Complaint, CEC denies all
28 allegations therein.

1 36. In response to Paragraph 36 of the Complaint, CEC denies all
2 allegations therein.

3 37. In response to Paragraph 37 of the Complaint, CEC denies all
4 allegations therein.

5 38. In response to Paragraph 38 of the Complaint, CEC denies all
6 allegations therein.

7 39. In response to Paragraph 39 of the Complaint, CEC denies all
8 allegations therein.

9 40. In response to Paragraph 40 of the Complaint, CEC denies all
10 allegations therein.

11 41. In response to Paragraph 41 of the Complaint, CEC denies all
12 allegations therein.

13 42. In response to Paragraph 42 of the Complaint, CEC denies all
14 allegations therein.

15 43. In response to Paragraph 43 of the Complaint, CEC denies all
16 allegations therein.

17 44. In response to Paragraph 44 of the Complaint, CEC denies all
18 allegations therein.

19 45. In response to Paragraph 45 of the Complaint, CEC denies all
20 allegations therein.

21 46. In response to Paragraph 46 of the Complaint, CEC denies all
22 allegations therein.

23 47. In response to Paragraph 47 of the Complaint, CEC denies all
24 allegations therein.

25 48. In response to Paragraph 48 of the Complaint, CEC denies all
26 allegations therein.

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FIRST CAUSE OF ACTION

49. In response to Paragraph 49 of the Complaint, CEC incorporates its answers to Paragraphs 1-48 of the Complaint as though fully set forth herein.

50. In response to Paragraph 50 of the Complaint, CEC denies all allegations therein.

51. In response to Paragraph 51 of the Complaint, CEC denies all allegations therein.

SECOND CAUSE OF ACTION

52. In response to Paragraph 52 of the Complaint, CEC incorporates its answers to Paragraphs 1-51 of the Complaint as though fully set forth herein.

53. In response to Paragraph 53 of the Complaint, CEC denies all allegations therein.

54. In response to Paragraph 54 of the Complaint, CEC denies all allegations therein.

THIRD CAUSE OF ACTION

55. In response to Paragraph 55 of the Complaint, CEC incorporates its answers to Paragraphs 1-54 of the Complaint as though fully set forth herein.

56. In response to Paragraph 56 of the Complaint, CEC denies all allegations therein.

57. In response to Paragraph 57 of the Complaint, CEC denies all allegations therein.

FOURTH CAUSE OF ACTION

58. In response to Paragraph 58 of the Complaint, CEC incorporates its answers to Paragraphs 1-57 of the Complaint as though fully set forth herein.

1 59. In response to Paragraph 59 of the Complaint, all allegations contained
2 therein constitute legal conclusions to which no response is required.

3 60. In response to Paragraph 60 of the Complaint, CEC denies all
4 allegations therein.

5 61. In response to Paragraph 61 of the Complaint, CEC denies that
6 Plaintiff is entitled to any of the claimed relief.

7
8 **PRAYER FOR RELIEF**

9 62. In response to the Prayers for Relief, CEC denies that Plaintiff is
10 entitled to any of the relief it claims.

11
12 **AFFIRMATIVE DEFENSES**

13 **FIRST AFFIRMATIVE DEFENSE**

14 **(Failure to State a Claim)**

15 63. As a separate, distinct and affirmative defense, CEC alleges that the
16 Complaint, and each claim therein, fails to state a claim for which relief can be
17 granted.

18
19 **SECOND AFFIRMATIVE DEFENSE**

20 **(Consent)**

21 64. As a separate, distinct and affirmative defense, CEC alleges that the
22 Complaint, and each claim therein, is barred because Plaintiff authorized,
23 consented to, acquiesced to, and/or ratified the acts of CEC.

THIRD AFFIRMATIVE DEFENSE

(Waiver)

65. As a separate, distinct and affirmative defense, CEC alleges that the Complaint, and each claim therein, is barred by operation of the equitable doctrine of waiver.

FOURTH AFFIRMATIVE DEFENSE

(Estoppel)

66. As a separate, distinct and affirmative defense, CEC alleges that the Complaint and each and every cause of action therein is barred by the equitable doctrine of estoppel.

FIFTH AFFIRMATIVE DEFENSE

(Unclean Hands)

67. As a separate, distinct and affirmative defense, CEC alleges that the Complaint and each and every cause of action therein is barred by Plaintiff's unclean hands.

SIXTH AFFIRMATIVE DEFENSE

(Third Parties)

68. As a separate, distinct and affirmative defense, CEC alleges that the Complaint and each and every cause of action therein is barred, to the extent Plaintiff suffered any damages, which CEC denies, they were caused solely by the acts or omissions of third parties not controlled by CEC.

1 **SEVENTH AFFIRMATIVE DEFENSE**
2 **(Speculative Damages)**

3 69. As a separate, distinct and affirmative defense, CEC asserts that
4 Plaintiff's purported damages are remote, speculative and/or unavailable as a matter
5 of law.

6
7 **EIGHTH AFFIRMATIVE DEFENSE**
8 **(Lack of Numerosity)**

9 70. As a separate, distinct and affirmative defense, CEC alleges that the
10 Complaint and each and every class action allegation therein is barred because the
11 class Plaintiff alleges exists is not so numerous that joinder of all members is
12 impracticable.

13
14 **NINTH AFFIRMATIVE DEFENSE**
15 **(Lack of Commonality)**

16 71. As a separate, distinct and affirmative defense, CEC alleges that the
17 Complaint and each and every class action allegation therein is barred because there
18 are not questions of law or fact common to the alleged class.

19
20 **TENTH AFFIRMATIVE DEFENSE**
21 **(Lack of Typicality)**

22 72. As a separate, distinct and affirmative defense, CEC alleges that the
23 Complaint and each and every class action allegation therein is barred because
24 Plaintiff's claims are not typical of the claims of the class.
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ELEVENTH AFFIRMATIVE DEFENSE
(Lack of Adequate Representation)

73. As a separate, distinct and affirmative defense, CEC alleges that the Complaint and each and every class action allegation therein is barred because Plaintiff will not fairly and adequately protect the interests of the class.

TWELFTH AFFIRMATIVE DEFENSE
(CEC is not a debt collector)

74. As a separate, distinct and affirmative defense, CEC alleges that the first cause of action is barred because CEC is not a debt collector within the meaning of 15 U.S.C. § 1692.

THIRTEENTH AFFIRMATIVE DEFENSE
(CEC is not a debt collector)

75. As a separate, distinct and affirmative defense, CEC alleges that the second cause of action is barred because CEC is not a debt collector within the meaning of California Civil Code section 1788 et seq.

FOURTEENTH AFFIRMATIVE DEFENSE
(No Damages)

76. As a separate, distinct and affirmative defense, CEC alleges that the second cause of action is barred because Plaintiff has not suffered any damages.

1 **FIFTEENTH AFFIRMATIVE DEFENSE**
 2 **(No Class Action for Violation of California Civil Code § 1788 et seq.)**

3 77. As a separate, distinct and affirmative defense, CEC alleges that
 4 Plaintiff's class action allegations on the Second Cause of action are barred because
 5 California Civil Code section 1788.30(a) precludes class actions.
 6

7 **SIXTEENTH AFFIRMATIVE DEFENSE**
 8 **(Additional Defenses)**

9 78. As a separate, distinct and affirmative defense, CEC expressly reserves
 10 the right to assert further defenses which may be appropriate upon further discovery
 11 in this matter.
 12


13 **PRAYER**

14 **WHEREFORE**, Defendant CEC prays for judgment as follows:

- 15 1. That Plaintiff take nothing by reason of her Complaint;
- 16 2. That judgment be rendered in favor of CEC;
- 17 3. That CEC be awarded the costs of suit incurred in defense of this
- 18 action; and
- 19 4. For such other relief as this Court may deem just and proper.

20
 21 Dated: September 23, 2013

BEST BEST & KRIEGER LLP

22
 23 By: 
 24 HOWARD B. GOLDS
 25 SCOTT W. DITFURTH
 26 TRENTON C. PACKER
 27 Attorneys for Defendant
 28 Corrective Education Company, LLC

DEMAND FOR JURY TRIAL

Defendant Corrective Education Company, LLC requests a jury trial in the above-entitled matter.

Dated: September 23, 2013

BEST BEST & KRIEGER LLP

By: 

HOWARD B. GOLDS
SCOTT W. DITFURTH
TRENTON C. PACKER
Attorneys for Defendant
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